

Hawaii Marijuana Penalties

 conditional  medical  hemp

		Incarceration	Fine
Possession			
Less than 1 oz	misdemeanor	30 days*	\$1,000
1 oz to 1 lb	misdemeanor	1 year*	\$2,000
1 to 2 lbs	felony	5 years*	\$10,000
2 to 25 lbs	felony	10 years*	\$25,000
25 lbs or more	felony	25 years*	\$50,000
*Probation for first offense with dismissal upon completion of probation. Exceptions for authorized medical use.			
Cultivation			
25 to 50 plants	felony	5 years	\$10,000
50 to 100 plants	felony	10 years	\$25,000
100 plants or more	felony	20 years	\$50,000
Sale			
Less than 1 oz	misdemeanor	1 year	\$2,000
1 oz to 1 lb	felony	5 years	\$10,000
1 to 5 lbs	felony	10 years	\$25,000
5 lbs or more	felony	20 years	\$50,000
Exceptions for authorized medical use.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Any marijuana found in a vehicle results in all occupants being charged with its possession.			
Details			
Possession of less than one ounce of marijuana is a misdemeanor offense, punishable by up to 30 days in jail and a fine of up to \$1,000. Possession of one ounce or more is a misdemeanor punishable by up to one year in prison and a fine of up to \$2,000. Any possession of amounts of one pound or more are felonies. The possible sentence for possession of one pound or more is up to 5 years in prison and a fine of up to \$10,000. Possession of two pounds or more is punishable by up to 10 years in prison and a fine of up to \$25,000. Possession of 25 pounds or more is punishable by up to 25 years in prison and a fine of up to \$50,000.			
For first time offenders, the court can defer proceedings, place the accused on probation and upon completion of the probationary period the court can dismiss the charges.			
For cultivation of 25 plants or more, the possible sentence can be up to 5 years in prison and a fine of up to \$10,000. For 50 plants or more the sentence can be up to 10 years in prison and a fine of up to \$25,000. For 100 plants or more the sentence can be up to 20 years in prison and a fine of up to \$50,000.			
Sale or distribution of less than one ounce of marijuana is a misdemeanor, punishable by up to one year in prison and a fine of up to \$2,000. Sale or distribution of any amount greater than one ounce is a felony. For one ounce or more, the sentence can be up to 5 years in jail and a fine of up to \$10,000. For one pound or more, the sentence can be up to 10 years in prison and a fine of up to \$25,000. For five pounds or more the			


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penalty rises to a possible 20 years in prison and a fine of up to \$50,000.

It is an affirmative defense to any marijuana related offense that the person distributing or possession the marijuana was authorized to do so for medical purposes.

Any marijuana found in a vehicle results in all the occupants of the vehicle being charged with its possession unless the marijuana was found on the person of one of the occupants.

 **Conditional release:** The state allows conditional release or alternative or diversion sentencing for people facing their first prosecutions. Usually, conditional release lets a person opt for probation rather than trial. After successfully completing probation, the individual's criminal record does not reflect the charge.

 **Medical marijuana:** This state has medical marijuana laws enacted. Modern research suggests that cannabis is a valuable aid in the treatment of a wide range of clinical applications. These include pain relief, nausea, spasticity, glaucoma, and movement disorders. Marijuana is also a powerful appetite stimulant and emerging research suggests that marijuana's medicinal properties may protect the body against some types of malignant tumors, and are neuroprotective. For more information see NORML's Medical Marijuana section. http://norml.org/index.cfm?Group_ID=3376

 **Hemp:** This state has an active hemp industry or has authorized research. Hemp is a distinct variety of the plant species *cannabis sativa L.* that contains minimal (less than 1%) amounts of tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana. Various parts of the plant can be utilized in the making of textiles, paper, paints, clothing, plastics, cosmetics, foodstuffs, insulation, animal feed, and other products. For more information see NORML's Industrial Use section. http://norml.org/index.cfm?Group_ID=3377

Also see Federal Laws http://norml.org/index.cfm?Group_ID=4575

About this Report

NORML's State Guide to Marijuana Penalties outlines most penalties for prohibited marijuana conduct in the 50 states, the District of Columbia, and under federal law. To view the list of prohibited conduct and penalties, click the map icon to the left to find your jurisdiction.

Marijuana laws and penalties change rapidly and are enforced and interpreted differently even in the same legal jurisdiction. Please consult a criminal defense lawyer if you have been busted or if you want to know how a particular conduct might be punished. If you spot an error or have information that should be included in NORML's State Guide to Marijuana Penalties, please inform the NORML Foundation (foundation@norml.org).

Please note:

- The guide does not list penalties for every marijuana offense nor every enhanced sentence such as possessing marijuana near a school, involving a minor, and automatic driver's or professional license suspension. Your state may require an enhanced sentence even if the enhancement is not in the guide.
- Unless otherwise specified, please assume that listed penalties apply only to first convictions. Prior convictions often place a defendant in a higher penalty range, and convictions while on probation for a previous offense may result in revocation of probation.

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- Except where indicated otherwise, a listed fine is the maximum fine for the conviction and the minimum fine is zero.
- "Possession" usually means "possessing marijuana only for personal use". If the government accuses you of possessing marijuana for other reasons, the accompanying penalties will probably exceed those for possessing marijuana for personal use. Possessing large amounts of marijuana frequently results in more serious charges of "possession with intent to distribute", "trafficking", and/or "sale".
- Many factors contribute to a defendant's sentence. Factors include level of involvement in the prohibited conduct, location, age, presence or absence of minors, use or presence of weapons, conduct for which a person has been acquitted, and many other things.
- If you are in trouble, please know your rights and hire an attorney.

Warning: The information contained in this report is for informational purposes only. Individuals are encouraged to confirm their state's laws before engaging in any particular behavior, or before going to court without a lawyer.

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Metric units to United States units of measurements:
One ounce (oz.) = 28.35 grams
One pound (lb.) = 16 ounces = 453.59 grams
One kilogram (kg.) = 1,000 grams (g) = 2.2 pounds (lbs.)